

These are DRAFT minutes, subject to amendment before final approval by the Sargent County Water Resource District.

SARGENT COUNTY WATER RESOURCE DISTRICT
Meeting Minutes
Thursday, August 21st, 2025 at 8:00 a.m.

The Sargent County Water Resource District met on Thursday, August 21st, 2025, at 8:00 a.m., in the water resource district board room at the Sargent County Courthouse in Forman, North Dakota. The following Board members were present: Chairman Luke Siemieniewski, Vice-Chairman Michael Wyum, Todd Stein, Bruce Speich, and Roger Zetocha. Also present were Wendy Willprecht Secretary/Treasurer, and Nathan Trosen, Moore Engineering. The following were also present virtually: Sean Fredricks, Katie Schmidt, and Stephen Hilfer, Ohnstad Twichell; and Leon Mallberg.

Public Comment: None

Minutes

Manager Wyum moved to approve the July 17th, 2025 regular meeting minutes, the August 4th, 2025 Drain No. 8 Public Information Meeting minutes and the June 2025 financial statement. Manager Stein seconded the motion. Upon roll call vote, the motion carried unanimously.

Bills

The Board considered the following bills:

Ohnstad Twichell- NDIRF bonding/mtgs. \$1,845.50; B. Vculek Tile App. \$2,077; Drain No. 8- emails/public info. mtg./affidavit of mailing \$1,497.10; Drain No. 9 Extension- Info. mtg./conference \$1,338.78
Total: \$6,758.38

Moore Engineering-Dam updates to EAP \$2,776.25; Silver Lake Dam permit \$562.50; Meetings \$6,208.50; Mileage \$128.80; SFC-Task 6 \$802.50; Drain No.8- cost-share/public info. mtg./records & studies \$1,762.50; Drain No. 11- county reimbursement \$225.00; Tewaukon Watershed- Dam inspection/mileage \$719.50
Total: \$13,185.55

Bliss Law Firm-Conference call **Total: \$350.00**

ND Water Resource District Assoc.-dues **Total: \$700.00**

ND Water Users Assoc.-dues **Total: \$325.00**

Sargent County- Shuman Township culvert cost-share **Total: \$7,466.67**

Manager Zetocha moved to approve the bills as presented. Manager Speich seconded the motion. Upon roll call vote, the motion carried unanimously.

UNFINISHED BUSINESS:

Drain No. 11:

Chairman Siemieniewski and Manager Stein drove along the drain with DL Barkie, a drone spraying company. Barkie to spray areas with small trees starting to grow along the downstream 4 miles of the drain. Their rate is \$120/acre. Zetocha noted that beavers are being trapped by State Trooper, Joe Lyons.

Drain No. 4:

No up-date.

Drain No. 2:

No up-date.

Drain No. 7: Chairman Siemieniewski met with Erik Wilson of the Tewaukon Wildlife Refuge to inspect the flap gates along the outlet mile of the Drain. The gates were found to have been placed correctly.

Drain No. 9 Extension: This project is currently on hold.

Drain No. 9: During the drain tour it was noted that there are cattails that need to be sprayed, and large trees within the channel that need to be removed. There is concern that due to the high-water level, removing or spraying the trees at this point might not be an option.

Chairman Siemieniewski and Manager Wyum are planning to meet with Larry Dahl to explain the project in more detail and to provide Mr. Dahl the opportunity to further explain his concerns.

Wild Rice River Maintenance District: This project is currently on hold.

Drain No. 8:

A public information meeting took place at the Rutland City Hall on August 4th, 2025. A majority of those in attendance indicated their support for the project and agreed the Board should proceed with the proposed study that will identify and analyze options for improving the drain. One landowner had suggested reaching out to Ellingson Drainage. Trosen said he will reach out to Ellingson and meet with them in the next month to further explore the gravity pipe alternative.

Manager Wyum reminded the group that the county road needs to be taken into consideration, as safety is an issue.

Spraying will be taking place throughout the city of Rutland and will go up to the black top.

Cogswell Tile:

The NDDDES has this project on its final review list but has not yet approved cost-share.

Drain No. 12: No update.

Short Foot Creek: Trosen reported that the Moore continues working with NRCS on updating the draft plan. The NRCS has been working with Moore Engineering the last couple of weeks on the environmental enhancements and the BCA (benefit cost analysis). Trosen is waiting for the updated plan from the NRCS. The plan will soon be ready for the final review.

Silver Lake Dam:

Trosen anticipates the construction permit for the proposed erosion protection improvements will be submitted soon.

Moore Engineering will reach out to Silver Lake Park Manager to discuss options on potentially incorporating a fence into the project.

Tewaukon District:

Emergency Action Plans (EAPs) for both Brummond-Lubke and Nelson Dams are due to be updated. Cost-share agreements were approved by the State Water Commission on 7/7/25. Trosen said a draft of the updated EAPs are complete. It is anticipated the EAP will be ready for the Board's consideration at the September meeting.

NEW BUSINESS:

Application to Install a Subsurface Water Management System No. 2025-04 for Andrew Martinson in the Northwest Quarter of Section 13 in Hall Township

The Board next reviewed *Application to Install a Subsurface Water Management System No. 2025-04* filed August 1, 2025, by Applicant Andrew Martinson. Under the Application, Applicant seeks to install a 150-acre drain tile system in the Northwest Quarter of Section 13 in Hall Township, Sargent County, North Dakota. The project will include a single pump outlet located in the northeast corner of the Northwest Quarter of Section 13. The pump will discharge directly into the south road ditch along North Dakota Highway 13; the discharge will flow east in NDDOT's road ditch, along the north boundary of the Northeast Quarter of Section 13 in Hall Township and along the north boundary of the Northwest Quarter of Section 18 in Wyndmere Township in Richland County.

According to Sargent County tax parcel data, Shyrlee Friskop, Arlene Lillestol, Dolores Mortenson, Karla Dusek, Jacquelyn Krieger, Joy Kundert, Lynn Lundberg, David Krieger, and Jeff Halmrast all own interests in the Northwest Quarter of Section 13 in Hall Township where Applicant intends to install the tile system. Under N.D. Cent. Code § 61-32-03.1, the Board must provide notices to landowners within one mile downstream of the project outlet. With regard to downstream landowners, according to Sargent County and Richland County data, NDDOT owns its Highway 13 right of way; RCM Land, LLP, owns property in the Northeast Quarter of Section 13 in Hall Township, adjacent to Highway 13; Loran Hudson owns the West Half of the Northwest Quarter and the West 47 acres of the East Half of the Northwest Quarter of Section 18 in Wyndmere Township in Richland County, adjacent to Highway 13; and Brian Tyler owns the remainder of the East Half of the Northwest Quarter of Section 18 in Wyndmere Township, adjacent to Highway 13.

Manager Speich moved, and Manager Wyum seconded the motion, to approve *Application to Install a Subsurface Water Management System No. 2025-04* filed August 1, 2025, for Andrew Martinson in the Northwest Quarter of Section 13 in Hall Township, and to authorize the Secretary-Treasurer to sign

Subsurface Water Management Permit No. 2025-04, subject to the following conditions:

1. Applicant will re-establish any areas disturbed installing or maintaining Applicant's tile system.
2. Applicant will install and maintain erosion protection at any and all outlets into the North Dakota Department of Transportation's Highway 13 right of way.
3. Applicant will turn off any pump outlets and otherwise close all outlets during "critical flood periods," as determined by the Sargent County Water Resource District.
4. Applicant will remove silt or vegetation, or repair erosion or scour damages *directly* caused by Applicant's tile system, but only up to one mile downstream of the project outlet, in accordance with N.D. Cent. Code § 61-32-03.1.
5. Applicant will not install Applicant's tile system within 20 feet, on either side, of any rural water lines Southeast Water Users District has in the Northwest Quarter of Section 13 in Hall Township under any blanket easements, or otherwise beyond the Water District's existing easement(s).
6. Applicant will apply for an amendment to Subsurface Water Management Permit No. 2025-04 in advance of any proposed alterations to outlet locations, the addition of any outlets, or improvements or modifications to the tile system that could increase the capacity or drainage area of the tile system.

Upon roll call vote, the motion carried unanimously.

With regard to condition #4, Applicant's obligations to remove silt or vegetation, or to repair erosion or scour damages, will only arise upon submission of substantial evidence to the Board by downstream landowners or road authorities that Applicant's tile system *directly* caused accumulation of silt or vegetation, erosion, or scouring, all in accordance with N.D. Cent. Code § 61-32-03.1.

Under Section 61-32-03.1, the Board cannot attach any additional conditions to Applicant's permit. However, for Applicant's protection, and to ensure protection of Applicant's tile system, the Board recommends that Applicant comply with the following:

1. The Board recommends that Applicant obtain written consent from the North Dakota Department of Transportation to install any project components within any of the Township's Highway 13 right of way.
2. The Board recommends that Applicant obtain all other necessary and requisite licenses, permits, registrations, and/or approvals from all applicable federal, state, county, and municipal governments, and any other applicable governmental entities.

Fredricks will provide copies of the Board's Notice of Decision, Subsurface Water Management Permit No. 2025-04, and Applicant's downstream flow map to the Department of Water Resources; NDDOT; Southeast Water Users District; Shyrlee Friskop; Arlene Lillestol; Dolores Mortenson; Karla Dusek; Jacquelyn Krieger; Joy Kundert; Lynn Lundberg; David Krieger; Jeff Halmrast; RCM Land, LLP; Loran Hudson; and Brian Tyler. Fredricks will also provide a complimentary copy to the Richland County Water Resource District since the discharge will flow into Richland County. Applicant's detailed project design map is an exempt record, and Fredricks will not provide copies to any third parties.

In support of the Application, Applicant already submitted a signed NDDOT Request for Drainage on Highway Right of Way, regarding Applicant's proposal to discharge into NDDOT's Highway 13 right of way. Fredricks advised the Board that water resource districts only have jurisdiction over tile drainage via the tile permitting statute, N.D. Cent. Code § 61-32-03.1. However, the District recognizes NDDOT must obtain approvals from water resource districts prior to NDDOT approval of tile discharge in NDDOT's right of to comply with federal highway rules. With that in mind, NDDOT has requested that water resource districts "approve" their Request for Drainage on Highway Right of Way forms for projects that will discharge into NDDOT right of way to address the concerns of water resource districts regarding their jurisdictional limitations, NDDOT previously indicated to Fredricks that water resource districts could submit the approved forms along with a cover letter that outlines water resource districts' jurisdiction related to drainage.

Manager Speich moved, and Manager Wyum seconded the motion, to approve the NDDOT Request for Drainage on Highway Right of Way submitted by Applicant Andrew Martinson; to authorize the Secretary-Treasurer to sign the NDDOT Request for Drainage on Highway Right of Way; and to direct Fredricks to submit the approved permit to NDDOT along with a cover letter prepared by Fredricks. Upon roll call vote, the motion carried unanimously.

NDDWR Stream Crossing Determination Request (Weber Township):

The landowners of Weber Township requested assistance with the stream crossings along the state line. The DWR analyzed the crossing requested according to the minimum stream crossing standards outline

in the ND Administrative Code art 89-14, and determined the required design discharge. While this is the minimum design standard required for the crossing, N.D.A.C. 89-14-01-03 states that there is no restriction on a road authority from providing greater capacity.

Solicitation of Views: Surface Drain Permit Application No. 6767 (Brian Vculek):

The SCWRD needs to take no action at this time. Once DWR completes its statewide/interdistrict significance review, DWR will forward a Record of Decision to the Board. The board will then be in a position to approve the permit with any applicable conditions. This application proposes an extension to a project previously approved by the board under a separate surface drain permit.

SCWRD Administrator Wendy Willprecht-Insurance: The board voted to approve 25% compensation toward the family insurance plan that Willprecht will be taking out in September. A motion was made by Manager Stein and seconded by Manager Wyum. Upon roll call, the motion carried unanimously.

OLD BUSINESS:

Red River Joint Water Resource District: 2026 Budget Request:

This request has not yet been considered or approved by the Sargent County Commission.

Manager Wyum noted there is an interim legislative committee meeting on September 11th and the economic analysis study may be discussed. Trosen said he could assist the Board with submitting any comments they may have, including those relating to safety, assuming the topic is on the meeting’s agenda.

Dickey-Sargent Joint Board

DSJTB bills for approval:

DVEC - electricity -	\$	327.00
Ohnstad Twichell- JPA/Mtgs.	\$	230.00

June 2025 Financials:

Maintenance Account Balance:	\$	53,337.00
Improvement Account Balance:	\$	344,674.38

Richland-Sargent Drain #1 Maintenance Fund Financial Statement

1) Bills:

Ohnstad Twichell-Petion	\$	451.00
Moore Engineering-Construction cost-estimate	\$	897.50

June 2025 Financials: **\$ 490,712.22**

- 2)** The permit for this project has expired. To date we have not used any of the construction cost-share dollars that we were allocated through the DWR. At the next RS1 meeting, scheduled for September 18th, 2025, the joint board will need to discuss whether or not to deobligate the cost-share funding.
- 3)** Chairman Siemieniewski said that JBX will get a bid put together for a clean out of a portion of RS1. Siemieniewski should have the bid by the September meeting.

With no further business, the meeting adjourned at 8:42 a.m.

APPROVAL:

Luke Siemieniewski, Chair

ATTEST:

Wendy Willprecht
Secretary-Treasurer